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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,771	02/03/2004	Toshiro Mizushima	Q78679	9283

23373 7590 02/28/2005
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/769,771	MIZUSHIMA ET AL.	
	Examiner	Art Unit	
	Chandrika Prasad	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112; second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the fixing means" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 3 recites the limitation "the thickness" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 19, 25-27 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (AAPA).

AAPA (Figures 1-2 of the instant invention) shows an optical fiber fixing device having a fixing member 113,115 with a bottom surface fixing an optical fiber 121 in a

positioning groove on a top surface of a block 107, a stopper section 105 retaining the fixing member, a driver section (motor) 109 moving the fixing member in a first direction via the stopper section and a controller 117 controlling the moving speed of the fixing member, which moves vertically relative to the positioning groove. The controller adjusts the moving speed according to a thickness of the optical fiber. The fixing member comprises a clamp portion pressing the optical fiber and a clamp arm with a transfer portion with a first end connected to the clamp portion and an acting portion with a first end connected to a center of the transfer portion. The fixing member has a T-shaped cross-section with the acting portion as the base and the transfer portion as the top. The method of fixing as recited in claims 32-38 are inherent.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA).

AAPA shows all the features of these claims except multiple grooves. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to provide a plurality of grooves because this would require a mere duplication of essential parts, which involve only routine skill in the art. *St. Regis Co. vs. Bemis co.*, 193 USPQ 8.

10. Claims 7-17, 21-24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA).

AAPA shows all the features of these claims except a guide, a rack & pinion and a magnet. These features are common knowledge and widely used in the art of fixing optical fibers and electrical wires. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to provide these features for their intended uses which are well known and widely used.

Conclusion

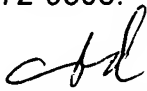
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chiba et al. (2003/0077034), Hirayama et al. (6778754), Yamada (6368441), Yamane et al. (5784509), Furuyama et al. (5412748), Itoh et al. (5170456), Chao et al. (6798950), Backer et al. (6325883), Dakes et al. (3999841, 3902784).

Contact Information

12. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (571) 272-2099. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.


Chandrika Prasad
Primary examiner
February 24, 2005